



Agenda
Regular Meeting Perry Carnegie Library Board
January 16, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:15 P.M.

Meeting Called to Order
Roll Call
Declaration of Quorum
Invocation

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to **amendment**, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same **amendment** language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item. The governing body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the governing body may refer the matter to the Head Librarian, City Manager, staff, attorney or to Perry City Council.

Agenda items are for discussion and whatever further action the Library Board deem necessary or advisable to discharge their constitutional and statutory powers of government.,

1. Consent Agenda

All items listed under the consent agenda are deemed non-controversial and routine in nature by the governing body. They will be approved by one motion of the Board. The items on the consent agenda will not be discussed. Any member of the Board desiring to discuss an item on the consent agenda may request that it be removed from the consent agenda and placed in its proper order on the regular agenda. It will then be considered at that time.

- A. Approve minutes of the Perry Carnegie Library Board Meeting of October 16, 2023.**
- B. Acknowledge Librarian's October through December 2023 Report for the Perry Carnegie Library and Statistics Report for October through December.**

- 2. Consider Items Removed from the Consent Agenda for Discussion.**
- 3. Consider and Act on items removed from the Consent Agenda, if any.**
- 4. Comments from Those Assembled.**

Perry Carnegie Library Board Regular Meeting Agenda

January 16, 2024

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5. **Presentation of Oral Quarterly Report on Library Usage and Statistics on Perry Carnegie Library by Pam Rigg, Head Librarian, to include the October 2023 Strategic Plan.**
6. **Presentation by Pam Rigg, Head Librarian, regarding Ordinance No. 2024-01 concerning library theft to be considered on the City agenda.**

Background: The Librarian will present her thoughts concerning the library theft ordinance.

Attachments: Ordinance No.2024-01.

Recommendation: Discuss and consider taking action on the City agenda.

7. **New Business.** As used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting.

8. **Adjourn.**

Posted at Perry City Hall & Council Chambers & www.cityofperryok.com.

January 12, 2024 – 12:00 P.M.

Christy Conrad, Secretary



Agenda
Regular Meeting
City Council of the City of Perry
January 16, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
Immediately Following the Perry Carnegie Library Board which begins at 6:15 P.M.

Meeting Called to Order
Roll Call
Declaration of Quorum

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to **amendment**, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same **amendment** language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item.

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All Agenda Items Are for Discussion and Whatever Further Action the City Council Deem Necessary or Advisable to Discharge Their Constitutional, Home Rule Charter, and Statutory Powers of Government.

1. Consent Agenda

All Items Listed under the Consent Agenda Are Deemed to Be Non-controversial and Routine in Nature by the Governing Body. They Will Be Approved by One Motion of the Governing Body. The Items on the Consent Agenda Will Not Be Discussed. Any Member of the Governing Body Desiring to Discuss an Item on the Consent Agenda May Request That It Be Removed from the Consent Agenda and Placed in its Proper Order on the Regular Agenda. It Will Then Be Considered at That Time.

- A. Receive and Approve the Minutes of the Regular City Council Meeting of January 2, 2024.**
- B. Acknowledge Receipt of the Minutes from the PFA Holdings, Inc., Regular Meeting of January 2, 2024.**
- C. Acknowledge Receipt of Street Department Monthly Report for December 2023.**
- D. Acknowledge 4th Quarterly Report from the Perry Chamber of Commerce.**

2. **Items Removed from Consent Agenda for Discussion.**
3. **Consider and Act on Items Removed from the Consent Agenda.**
4. **Citizens Desiring to be Heard:** The public is welcome to address the governing body to provide information on community events or accomplishments or speak on any matter placed on the **AGENDA or NON-AGENDA** according to the following guidelines: Any citizen wishing to address the governing body must sign up prior to the beginning of the meeting (sign-up sheet is located on the table to the left of the office entrance) entitled **CITIZEN COMMENTS** and designate which **event** or **agenda item** they wish to discuss.
 - Time is limited to **THREE (3) minutes**.
 - All comments should be addressed to the governing body, not to the attendees or the public at large.
 - The governing body may listen but cannot engage in any discussion or act under this item.

On all other agenda items, any member of the public wishing to be heard shall raise their hand, and if recognized by the Chairman or Presiding Officer, shall limit their address to three (3) minutes. The Mayor or Presiding Officer may provide additional time.

5. **Proclamations, Commendations, Reports, and Inquiries by the Governing Body. No action may be taken on any report or inquiry made by the governing body during this section of the agenda (unless the item is specifically listed hereinbelow and then action may be taken) and is only for the purpose of identifying issues that may be subject to a future agenda item.**
 - a. Proclamations
 - b. Commendations
 - c. Council Reports
 - Ward 1,2,3, and 4 Councilpersons have an opportunity to report any new developments or work performed since the last meeting.
 - d. Committee Reports
 - Committee members can make Committees Reports to update the City Council regarding developments in their delegated responsibilities.

6. **Acting City Manager Remarks.**

7. **Chief Financial Officer Report.**

Attachment: Financial Report enclosed.

8. **Discussion of City's Position with respect to the 2008 Interlocal Cooperation Act Agreement relating to E-911 with representative(s) from the County Commissioners of Noble County, Oklahoma, to include any recommended amendments and take action as deemed appropriate.**

Background: At a recent regular meeting, representatives from the County attended a city council meeting and discussed amendments that were desired to the Agreement. This agenda item permits that discussion to continue and/or the City Council to give direction.

Recommendation: Take action as desired.

9. **Discussion with YMCA's Executive Director Shea Boschee concerning possible partnership concerning the operation and management of the municipal pool.**

Background: YMCA Shea Boschee will be available to discuss a possible partnership with the YMCA concerning the operation and management of the municipal swimming pool.

Recommendation: Discuss and direct action as may be appropriate.

10. **Consider Approval Ordinance No. 2024-01 of the City Council of the City of Perry, Oklahoma, Amending Chapter 10, Article 3 of the Perry Municipal Code 2022, by the Addition of a New Section 10-305A Entitled "Library Theft", Providing for the Misdemeanor of Library Theft; Providing For Repealer; Savings; Codification; Severability; And Declaring An Emergency.**

Background: The proposed ordinance, recommended by Librarian Pam Rigg, provides for a \$500.00 fine for a person who:

- Removes or attempts to remove any library material from the premises of a library facility without authority; or
- Mutilates, destroys, alters, or otherwise damages, in whole or in part, any library materials; or
- Fails to return any library materials which have been lent to said person by the library facility, within seven (7) days after demand has been made for the return of the library materials.

It is anticipated this the adoption of this provision may encourage recalcitrant borrowers to return books and materials in an unscathed condition.

Attachment: Ordinance No. 2024-01

Recommendation: Approve Ordinance No. 2024-01, with separate approval of the emergency clause.

11. AN ORDINANCE PROVIDING FOR A TEMPORARY, LIMITED MORATORIUM ON THE ISSUANCE OF PERMITS FOR MEDICAL MARIJUANA DISPENSARIES, AND/OR THE CONDUCTING OF USE BY REVIEW HEARINGS ON THE LOCATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE C-3 COMMERCIAL BUSINESS DISTRICT OF THE CITY OF PERRY, OKLAHOMA, IS HEREBY DECLARED, AND UNTIL THE PERRY PLANNING COMMISSION PROVIDES PUBLIC NOTICE AND CONDUCTS A PUBLIC HEARING ON AN ORDINANCE RESTRICTING THE ISSUANCE OF SAID PERMITS AND/OR ELIMINATING THE CONDUCTING OF SUCH USE BY REVIEW HEARINGS AND/OR OTHERWISE RESTRICTING MEDICAL MARIJUANA DISPENSARIES FROM BEING LOCATED WITHIN THE C-3 COMMERCIAL BUSINESS DISTRICT OF THE CITY OF PERRY, OKLAHOMA, OR RECOMMENDING OTHER AMENDMENTS AS MAY BE APPROPRIATE, AND THE PERRY CITY COUNCIL RECEIVES THE PERRY PLANNING COMMISSION RECOMMENDATION AND CONSIDERS ANY APPROPRIATE AMENDMENTS TO ITS ORDINANCES GOVERNING PERMITTING AND THE LOCATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE C-3 COMMERCIAL BUSINESS DISTRICT OF THE CITY OF PERRY, OKLAHOMA; PROVIDING THAT THE REQUIRED NOTICE, PUBLIC HEARING, RECOMMENDATION AND CONSIDERATION OF SUCH ORDINANCE SHALL OCCUR WITHIN THE NEXT THREE (3) MONTHS AND THIS MORATORIUM SHALL NO LONGER BE EFFECTIVE ON AND AFTER MAY 1, 2024; PROVIDING FOR SAVINGS CLAUSE; SEVERABILITY; AND DECLARING AN EMERGENCY.

Background: In June 2018, the voters approved State Question 788 with 57 percent public support, legalizing medical marijuana in the state. HB 2612 passed the Oklahoma Legislature in March 2019, and SB 1030 passed the Oklahoma Legislature in May 2019, which among other provisions, allowed Medical Marijuana license holders to obtain marijuana through retail purchases or to personally grow marijuana. State law also provides that no municipality may ban Medical Marijuana Dispensaries or “unduly change or restrict zoning laws” to prevent the opening within its boundaries of Medical Marijuana Dispensaries. Current local ordinance permits Medical Marijuana Dispensaries to be located within the C-2 General Commercial District, the C-3 Commercial Business District and the C-4 Planned Commercial District, not as a permitted use but subject to approval by a Use by Review procedure.

The City of Perry, Oklahoma, has approved the location and has issued permits for two (2) Medical Marijuana Dispensaries, which are both located within the C-2 General Commercial District. While it is the intent to continue to permit Medical Marijuana Dispensaries to be located in the C-2 General Commercial District and the C-4 Planned Commercial District, not as a permitted use but subject to approval by a Use by Review procedure, the City of Perry, Oklahoma, desires to study and consider an ordinance to restrict the issuance of permits and the conducting of use by review hearings, and other potential amendments as may be necessary, and to restrict subsequent approvals of Medical Marijuana Dispensaries in the C-3 Commercial Business District.

Adoption of this temporary, limited moratorium permits the time for the Perry Planning Commission and Perry City Council to study the issue, provide public notice, conduct a public hearing and act on an appropriate amendment to the ordinances.

Attachment: Ordinance No. 2024-02

Recommendation: Discuss, and if deemed appropriate, approve the ordinance, and the emergency clause by separate action.

12. **Consider Approval of Ordinance No. 2024-03 of the City of Perry, Oklahoma, Amending Chapter 9, of the Perry Municipal Code 2022, Providing for Granting a Non-Exclusive Permit to Cable Television Operators for the Operation of a Cable System and Providing for the Permitting Article; by the Addition of a New Article 7 to be Entitled ‘CATV Permitting Article’; Providing for Section 9-701 “Definitions”; Providing for Section 9-702 “Grant of Permit”; Section 9-703 “Build-Out Requirements”; Section 9-704 “Term and Acceptance”; Section 9-705 “Favored Nation Clause”; Section 9-706 “Change of Law”; Section 9-707 “Renewal of Permit and Notice”; Section 9-708 “Standards of Service”; Section 9-709 “Permit Fee”; Section 9-710 “Rates and Charges”; Section 9-711 “Sale and Transfer of Permit”; Section 9-712 “Compliance and Monitoring”; Section 9-713 “Insurance, Indemnification, Bonds and Surety”; Section 9-714 “Public, Government and Educational Access”; Section 9-715 “Emergency Alert”; Section 9-716 “Preemption”; Providing For Repealer; Savings Clause; Codification; Severability; And Declaring An Emergency.**

Background: A public hearing was previously held to receive input from the public concerning Optimum/Cebridge’s request for a CATV licensing renewal. This ordinance was continued until a pole attachment agreement could be finalized. As negotiations on that agreement have successfully concluded and it is presented for approval under the Perry Municipal Authority’s agenda, the City Council may consider approval of this licensing ordinance. If the City Council grants an extension, in keeping with the statute, Optimum/Cebridge would be provided a ten-year Cable permit. The term of the license will be substantially the same as Bluepeak/Clarity’s license. The licensing fee is equal to five percent of the gross revenues collected for cable services. The City Council should consider adoption of this ordinance to provide for the new license to the Cable Operator.

Attachment: Ordinance No. 2024-03

Recommendation: Approval with separate application of the emergency clause

13. **Consider Approval of a Side Agreement Letter concerning Optimum/Cebridge’s duties to provide CATV at eleven (11) locations during the term of the licensing ordinance and without charge.**

Background: As a part of the agreement, Optimum/Cebridge has agreed, by separate side letter, to provide one (1) cable television drop with free installation and free monthly basic and expanded basic service to the following locations:

622 Cedar St - City Hall; 307 N 7th St – Library; 312 8th St – Police; 736 Delaware St – Fire; 738 Cedar St - City Garage; 308 S 8th St - Street Dept; 102 Ivanhoe St - Electric Dept; 1303 15th Street Perry Upper Elementary School; 1103 15th Street Perry Lower Elementary School; 903 15th Street – Perry Junior High School; and 922 Fir Street – Perry High School.

Attachment: Side letter

Recommendation: Discuss and direct action as may be desired.

14. Approve the following Invoices by Myers Engineering, Consulting Engineers, Inc.:

Perry – 11th Street Drainage Assessment	\$3,613.90
Perry Water System Improvements Phase 2 DWSRF Line 1	\$4,800.00
2nd and Maple Drainage Evaluation	\$2,685.10

Background: Pay Myers Engineering, Consulting Engineers, Inc, in the total amount of \$11,099.00 for engineering services on the referenced projects.

Attachments: Invoices and affidavits

Recommendation: Approve

15. Authorize Payment of \$33,290.00 to Parrish Electric for purchase of 200 HP VFD motor and labor to repair the second pump at the McMurtry Pumphouse.

Background: While repairing the motor in the pump house at McMurtry as an emergency declaration, the other motor failed and had to be replaced. This agenda item provides for such payment.

Attachment: Invoice

Recommendation: Approval

16. New Business (matters not known about or which could not reasonably be foreseen prior to the time of posting). (Title 25, Section 311A.9 of the Oklahoma Statutes as amended).

17. Consider Convening into Executive Session to: 1) discuss the appointment of a City Manager, including the review of any applications received to date and discuss any candidates so interviewed or provide for interviews if appropriate (Pursuant To Title 25 Section 307.B.1 of the Oklahoma Statutes, as amended), and 2) for the purpose of conferring on a matter pertaining to the economic development of the City of Perry, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction, if public disclosure

of the matter discussed would interfere with the development of proposal (private arena to be located in the Interstate 35 corridor, and which would promote economic and tourism development (Pursuant To Title 25 Section 307.C.11 of the Oklahoma Statutes, as amended)).

- 18. Reconvene into Regular Session.**
- 19. Take any action with respect to the executive session.**
- 20. Adjourn.**

Posted at Perry City Hall & Council Chambers.

January 11, 2024 - 12:00 P.M.

Christy Conrad, City Clerk



Agenda
Regular Meeting
Perry Municipal Authority Meeting
January 16, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
Immediately following the Perry City Council meeting which begins @ 6:15 P.M.

Meeting Called to Order
Roll Call
Declaration of Quorum

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A. Receive and approve the minutes of the Regular PMA meeting of January 2, 2024.

2. Consider Approval of Pole Attachment Agreement with Cebridge Acquisition, L.P.

Perry Municipal Authority Regular Meeting Agenda

January 16, 2024

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Background: If the City Council approves the licensing ordinance, this pole attachment agreement is presented for your consideration and approval. It is similar to the pole attachment agreement previously approved with Bluepeak/Clarity, provides for an annual payment of \$6.00 per pole, a ten (10) year term, and financial contribution to the PMA's vegetation management program.

Attachment: Pole Attachment Agreement

Recommendation: Approval

3. Adjourn.

Posted at Perry City Hall & Council Chambers.

January 11, 2024 - 12:00 P.M.

Christy Conrad, Secretary



**Agenda
Regular Meeting
Perry Facilities Authority
January 16, 2024**

**Perry Council Chambers, 729 Cedar Street, Perry, Oklahoma 73077
Immediately following the Perry Municipal Authority meeting which follows the Perry
City Council meeting which begins @ 6:15 P.M.**

**Meeting Called to Order
Roll Call
Declaration of Quorum**

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A. Receive and approve the minutes of the Regular PFA meeting of January 2, 2024.

2. Adjourn.

Posted at Perry City Hall & Council Chambers.

January 11, 2024 - 12:00 P.M.

Christy Conrad, Secretary